

	CITY OF DECATUR PERSONNEL POLICY		
Chapter 04	Benefits		
Section 03	Family Medical Leave		
Revised By:	Nate Mara, City Manager	Revised Date:	November 10, 2025
Approved By:	Nate Mara, City Manager	Effective Date:	January 01, 2026

04.03 Family Medical Leave

- A. Purpose.** In accordance with the Family and Medical Leave Act of 1993, an eligible employee may be entitled to take up to twelve (12) weeks of unpaid family and medical leave during a rolling twelve (12) month period. An eligible employee is one who has worked for the City for twelve (12) months and/or has worked at least 1,250 hours during the twelve (12) months preceding the first date leave is to be taken. Leave can be taken for any of the following reasons: birth of a child; placement with the employee of a child for adoption or foster care (entitlement to family and medical leave expires twelve months after the birth or placement); when the employee is needed to care for a child, spouse, or parent who has a serious health condition; or when the employee is unable to perform the essential functions of the position because of the employee’s own serious health condition. Employees who are granted approval should not work during the approved FMLA leave period.
- B. Twelve Month Period.** The twelve (12) month period for counting family and medical leave is a “rolling” 12-month period measured backward from the date an employee requests or is placed on FMLA leave. Each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months, or 26 weeks provided in certain circumstances.
- C. Employee Notification.** An employee must give at least thirty (30) days’ advance notice for the need to take foreseeable family and medical leave, unless the need is unforeseeable, in which case, as much notice as is practicable should be given. A form for requesting family and medical leave is available in the Human Resources Department. If it is determined that the need for family and medical leave was foreseeable, the leave may be delayed until at least thirty (30) days after the date that the employee provides notice to the City.
- D. Department Notification.** Each department supervisor is responsible for notifying the Human Resource Department immediately when an employee is away from work for a family and medical leave qualifying event (if family and medical leave has not been approved), even if the employee is utilizing paid PTO or personal leave or is out due to a work-related injury. An employee using PTO leave should be reported to the Human Resource Department if it is anticipated that the duration of the illness will be three (3) or more days, or two (2) or more shifts for Fire Department employees, or once the employee exceeds three (3) days, or two (2) or more shifts for Fire employees of PTO leave use.

- E. Human Resource Responsibility.** Human Resources is responsible for central administration of all requests for family and medical leave. The Human Resource Department reserves the right to automatically place an employee on family and medical leave if it is determined that a qualifying event has occurred. The Human Resource Department may retroactively designate the beginning date of FMLA to the beginning date of the employee's absence for the qualifying event.
- F. Approval.** An employee shall submit a request for family and medical leave through proper channels to the Human Resource Department for approval. Confidential medical information that accompanies the application can be submitted directly to the Human Resource Department.
- G. Substitution of Paid Leave.** An employee utilizing this policy for the placement of a child for adoption or foster care with the employee shall be required to exhaust all accrued PTO and any other applicable paid leave prior to going on unpaid leave. An employee utilizing this policy for the serious illness of a child, spouse or parent must exhaust all accrued personal leave, PTO leave and any other applicable paid leave prior to going on unpaid leave. If an employee gives birth to a child, PTO leave can be utilized until the employee receives a release from the doctor. After being released, the employee may use additional PTO leave if permitted in accordance with the PTO leave policy. Once all applicable PTO leave has been used, the employee shall be required to exhaust all accrued PTO, compensatory time, holiday leave, and any other accrued paid leave prior to going on unpaid leave. An employee utilizing this policy for the employee's own serious health condition shall exhaust all accrued PTO leave and personal leave prior to going on unpaid leave. If an employee is off work due to a work-related injury and the employee qualifies for family and medical leave, it will run concurrently with any paid leave. The City reserves the right to count any paid leave that qualifies for family and medical leave toward the twelve (12) or twenty-six (26) weeks allowed under this policy.
- H. Maximum Time Allowed.** The maximum amount of family and medical leave available is twelve (12) weeks during a twelve (12) month period even if there is more than one family and medical leave qualifying event. The only exception to the twelve (12) week maximum is the leave to provide care of an injured service member, described below, which allows for an extended FMLA leave of 26 weeks.
- I. Medical Certification.** The City requires medical certification from a health care provider to support a claim for leave to care for a seriously ill child, spouse or parent, or for the employee's own serious health condition. Medical certifications must be returned to the Human Resource Department within fifteen (15) working days. Recertification may also be required every 30 days. An employee will be notified if recertification is required. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. For the employee's own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of the position and expected duration. The City does not seek and should not be provided genetic information. If an employee or applicant's genetic information is inadvertently received by the City; the City will return it to the health care provider and not use genetic information for any employment decision or action.
- J. Extended Leave.** Employees on an extended FMLA leave must check in every week by phone or email with the Human Resources Department or supervisor. If the employee checks in weekly with the supervisor, it is the responsibility of the supervisor to inform the Human Resources Department.

- K. Necessary Documentation.** Upon returning to work after leave for the employee's own illness, an employee is required to provide certification to the supervisor that the employee is able to return to regular duties. An employee may be required to perform a functional capacity exam after a serious illness or injury. If the validity of a certification is questioned, the City may require that a second opinion be obtained. If the first and second opinions differ, the City may require a third opinion be obtained. The employee and the City must agree upon a health care provider for the third opinion and this opinion shall be binding on both parties. The City shall bear the expense of second and third opinions.
- L. Return to Work.** When an employee returns to work after family and medical leave, the employee shall be restored to the same position or to an equivalent position involving the same or substantially similar duties and responsibilities. An employee will be restored to the same worksite or to a geographically proximate worksite. The employee is also entitled to return to the same shift or an equivalent schedule.
- M. Effect on Married Couples.** If a City employee is married to another City employee and either or both employees request family and medical leave for the birth or placement of a child with the employee for adoption or foster care, the total time allowed shall be limited to no more than twelve (12) weeks combined during any rolling twelve (12) month period. For other qualifying family and medical leave events, each employee is entitled to leave as long as the total amount of leave taken during any twelve (12) month period does not exceed twelve (12) weeks or twenty-six (26) weeks if applicable for one employee.
- N. Continuation of Insurance Benefits.** While utilizing unpaid family and medical leave, an employee's insurance benefits will continue without interruption as long as the employee pays his or her portion of the insurance premiums. Insurance premiums can be deducted from the paycheck before the leave begins, or during the leave, if the employee continues to receive pay (pre-tax), paid monthly or bi-weekly.
- O. Intermittent Leave.** When medically necessary, an employee may take family and medical leave on an intermittent basis or work a reduced schedule. Arrangements should be made with the employee's immediate supervisor so that the operations of the department are not unduly disrupted. An employee taking intermittent leave or leave on a reduced schedule may be temporarily assigned to an alternative position with equivalent pay and benefits if it better accommodates the needs of the department.
- P. Holidays.** Holidays will be paid in accordance with the Holidays policy. City holidays will be counted as part of the twelve (12) or twenty-six (26) weeks of family and medical leave, whether the employee is on paid or unpaid leave.
- Q. PTO.** PTO leave will not accrue during leave of absence.
- R. TMRS.** Employee contributions to TMRS may be made on a voluntary basis through a special arrangement with the City while an employee is in a leave without pay status. It is the employee's responsibility to initiate such an arrangement by timely contacting the City's Director of Human Resources and completing the necessary paperwork.

S. Recordkeeping. Family medical leave time will be tracked on an hourly basis for payroll and compliance purposes. To determine entitlement for employees who work variable hours, the minimum hours required for eligibility is calculated on a pro rata or proportional basis by averaging the weekly hours worked during the twelve (12) weeks prior to the start of family and medical leave.

T. Exempt Employees. Salaried executive, administrative, professional, and other employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave.

U. Definitions.

1. 12-Month Period: A rolling 12-month period measured backward from the date leave is taken.
2. 12-Month Service Member Period: A single 12-month period measured forward from the first day Service Member Family Leave is taken.
3. Child: A biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis, who is standing in the place of a parent, who is either under age 18, or age 18 or older and requires active assistance or supervision to provide daily self-care. A biological or legal relationship is not necessary. A more detailed definition is provided in the Family and Medical Leave Act of 1993 which is available in the Human Resource Department.
4. Health Care Provider: A Doctor of Medicine or Osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices or any other person determined by the Secretary of Labor to be capable of providing health care services. A more expansive definition is provided in the Family and Medical Leave Act of 1993 which is available in the Human Resource Department.
5. Next of Kin: The nearest blood relative of a Covered Service Member.
6. Parent: A biological parent or an individual who stands or stood in the place of a parent to an employee when the employee was a child. This term does not include parents-in-law.
7. Serious Health Condition:
An illness, injury, impairment, or physical or mental condition that involves:
 - i. any period of incapacity or treatment that results in inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
 - ii. any period of incapacity requiring absence from work, school, or other regular daily activities of more than three calendar days that also involves continuing treatment by (or under the supervision of) a health care provider;

- iii. continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days;
- iv. prenatal care.

Note: Voluntary or cosmetic treatments (such as most treatments for orthodontia or acne) which are not medically necessary are not "serious health conditions," unless inpatient hospital care is required. Restorative dental surgeries after an accident or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met.

- 8. Spouse: A husband or wife as defined or recognized under state or federal law for purposes of marriage, including common law marriage.